

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

ERIC LYLE KENNEDY
KATHERINE ELIZABETH KENNEDY

CASE NO: 10-70462-HDH-13

HEARING DATE: 6/18/2014

HEARING TIME: 10:00am

TRUSTEE'S MOTION TO DISMISS

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Trustee's Motion to Dismiss in accordance with 11 U.S.C. 1307(c), Rule 9014, Rule 1017(f)(1), and General Order 2010-01 and would respectively show unto to the Court as follows:

Debtor is in material default of the most recent confirmed plan or modified plan per 11 U.S.C. 1307(c). The most recent confirmed plan or modified plan required the Debtor(s) to pay \$402.00 per month beginning 11/4/2010. The total amount paid to the Trustee is \$14,538.00 and the total amount in arrears is \$708.00 through May 2014.

Certified funds must be delivered to the following address to cure this default:

**Standing Chapter 13 Trustee
PO Box 94210
Lubbock, TX 79493**

WHEREFORE, the Trustee prays that this Chapter 13 case be dismissed per 11 U.S.C. 1307(c).

Respectfully submitted,

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

A HEARING WILL BE HELD 6/18/2014 AT 10:00am AT THE FOLLOWING ADDRESS:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT:
US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301
AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

ERIC LYLE KENNEDY & KATHERINE ELIZABETH KENNEDY 4306 VIEWPARK WICHITA FALLS TX 76306

BARRETT DAFFIN FRAPPIER TURNER & ENGEL LLP 1900 ST JAMES PLACE SUITE 500 HOUSTON TX 77056

STEPHEN G WILCOX THE WILCOX LAW FIRM PLLC PO BOX 11509 FORT WORTH TX 76110

Date: 5/13/2014

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee